

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION

E.V. DRAKE,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	No. 3:21-CV-1751-K-BH
	)	
STATE FARM MUTUAL AUTOMOBILE	)	
INSURANCE COMPANY, et al.	)	
	)	
Defendants.	)	Referred to U.S. Magistrate Judge <sup>1</sup>

RECOMMENDATION REGARDING REQUEST TO PROCEED  
IN FORMA PAUPERIS ON APPEAL

Before the Court is the plaintiff's *Motion to Proceed In Forma Pauperis* on appeal and declaration in support, received on August 10, 2021 (doc. 80).

- (X) The request for leave to proceed *in forma pauperis* on appeal should be DENIED because the Court should certify under Fed. R. App. P. 24(a)(3) and 28 U.S.C. § 1915(a)(3) that the appeal is not taken in good faith, and that it presents no legal points of arguable merit and is therefore frivolous for the reasons set forth in the order filed in this case on July 30, 2021 (doc. 74). The request also should be denied because the plaintiff is subject to a sanctions order prohibiting him from filing any civil action in this Court "without prepaying the requisite filing fees and obtaining leave from a district judge in this court." *Drake v. Safeway, Inc., et al.*, No. 3:20-CV-344-N-BH, doc. 21 (N.D. Tex. Apr. 13, 2020).

If the Court denies the request to proceed *in forma pauperis* on appeal, the plaintiff may challenge the denial by filing a separate motion to proceed *in forma pauperis* on appeal with the Clerk of Court, U.S. Court of Appeals for the Fifth Circuit, within thirty days after service of the notice required by Fed. R. App. P. 24(a)(4). See Fed. R. App. P. 24(a)(5).

SO RECOMMENDED this 12th day of August, 2021.

  
IRMA CARRILLO RAMIREZ  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Under Amended Miscellaneous Order No. 6 (adopted by Special Order No. 2-59 on May 5, 2005), requests to proceed *in forma pauperis* are automatically referred.